

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LMREC III NOTE HOLDER, INC

Plaintiff,

20-cv-05063 (KMK)(PED)

-against-

HUDSON EFT LLC, GUIDO SUBOTOVSKY,
SAMUEL GACCIONE, HUGO SUBOTOVSKY,
WILLIAM CLARKE, NOBLE ELEVATOR
COMPANY, INC., SHAWN'S LAWN, INC., VSP
MECHANICAL, INC., GEBERTH ELECTRIC, INC.,
GAC BUILDERS LTD., BRIDGE MECHANICAL
CORPORATION, UPPER RESTORATION, INC.,
AND JOHN DOE #1 THROUGH JOHN DOE #10,

**PROPOSED ORDER
FOR PAYMENT OF FEES
TO RECEIVER AND TO
COUNSEL FOR RECEIVER
DECEMBER 2021 AND
RETAINER AGREEMENT
DATED DECEMBER 29, 2021**

Defendants.

WHEREAS, pursuant to paragraph 4(y) of the Order Appointing Receiver dated August 21, 2020, Receiver Andrew L. Herz prepared the Invoice for services rendered for the month of December 2021 seeking an interim payment in the amount of \$10,075.00 which payment was approved by Plaintiff in the attached writing dated January 10, 2022 (Ex. A); and

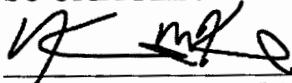
WHEREAS, pursuant to the Order Appointing Kim Berg as Counsel to Receiver dated September 9, 2020, Counsel to Receiver rendered services during the month of December 2021 in the amount of \$2,424.85 which payment was approved by Plaintiff in the attached writing dated January 10, 2022 (Ex. B); and

WHEREAS, mid-year 2021 Counsel to Receiver increased its hourly rate for all partners of the law firm of Gould & Berg, LLP from \$450.00 to \$500.00 per hour, which rate increase was postponed for existing clients to January 1, 2022, as a result of which an updated retainer agreement to reflect the hourly rate of \$500.00 was executed by Receiver on December 29, 2021 and was approved by Plaintiff in the attached writing dated December 29, 2021 (Ex C);

WHEREAS, Receiver now seeks Court approval of the interim payments to Receiver and to Counsel as described herein, as well Court approval of the Receiver's updated retainer agreement with Counsel commencing January 1, 2022.

IT IS THEREFORE ORDERED that the interim disbursement to Receiver Andrew L. Herz in the amount of \$10,075.00, the interim disbursement to Counsel for Receiver Kim Berg, partner of Gould & Berg, LLP, in the amount of \$2,424.85, and the updated retainer agreement dated December 29, 2021 setting forth Counsel's rate of \$500.00 per hour, are hereby approved by the Court.

SO ORDERED:



Kenneth M. Karas, U.S.D.J.

1/10/22